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Re'd: SEPTEMBER 22, 1958

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TO: Secretary of State

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NO: 680, SEPTEMBER 22, 6 PM.

SENT DEPARTMENT 680, REPEATED INFORMATION BERLIN 200.

ALSO REPEATED INFORMATION USAREUR 161 AND USCINCEUR 53.

DEPARTMENT PASS DEFENSE.

REFERENCE BERLIN'S TEL 156 TO DEPARTMENT.

AFTER FURTHER CAREFUL REFLECTION EXCLAVE (I.E. STEINSTUECKEN) SITUATION BERLIN, I REMAIN FIRMLY CONVINCED FOR POLITICAL AND MORALE REASONS IT ABSOLUTELY NECESSARY WE BE IN POSITION TAKE IMMEDIATE ACTION DEAL WITH ANY FUTURE COMMUNIST INCURSIONS AND DELIBERATE VIOLATIONS EXCLAVE BORDERS.

TO ACCOMPLISH THIS, I DO NOT REPEAT NOT THINK ESSENTIAL USCIB BE GIVEN PRIOR AND UNCONDITIONAL AUTHORITY UNDERTAKE MILITARY ACTION DEAL WITH ANY EVENTUALITY. ON OTHER HAND, I FEEL STRONGLY WE MUST HAVE SPECIFIC CONTINGENCY PLAN MAKING POSSIBLE USCIB TAKE PROMPT AND DECISIVE ACTION IF FACED WITH ANOTHER COMMUNIST ACTION AGAINST STEINSTUECKEN.

I HAVE READ USCINCEUR'S EC 9-4696 SEPTEMBER 10 CAREFULLY BUT DO NOT REPEAT NOT SHARE VIEW THAT BACKGROUND OF PRESENT EXCLAVE SITUATION CONSTITUTES "LONG ESTABLISHED MODUS VIVENDI" AND IMPLICATION THAT (1) AUGUST 7 INCIDENT OF LIMITED IMPORTANCE; (2) MORE SERIOUS INCIDENTS FUTURE UNLIKELY; AND (3) IT THEREFORE UNNECESSARY PREPARE DEAL POSSIBLE FUTURE INCIDENTS.

AS I SEE IT, ONE CONSTANT FACTOR IS THERE REALLY IS NO REPEAT NO STABLE MODUS

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-2- 680, SEPTEMBER 22, 6 PM, FROM BONN.

NO STABLE MODUS VIVENDI IN BERLIN. (THIS APPLIES NOT REPEAT NOT ONLY WEST BERLIN ITSELF BUT IN EQUAL MEASURE WEST BERLIN EXCLAVES.) WE ARE CONFRONTED BY PERSISTENT COMMUNIST ATTEMPTS UNDERMINE AND ERODE OUR POSITION THERE. THEREFORE THINK IMPORTANT WE TAKE FIRM POSITION ASSURE WE CAN NOT REPEAT NOT PERMIT OR FACILITATE BY LACK OF PREPARATION DELIBERATE PHYSICAL VIOLATION BY COMMUNISTS OUR POSITIONS WHOSE PARTS WEST BERLIN AND WEST BERLIN EXCLAVES FOR WHICH WE RESPONSIBLE.

USCINCEUR SAYS IT CAN NOT REPEAT NOT RECOMMEND CHANGE IN POLICY WHICH WOULD AUTHORIZE COANTERACTONS "ONLY AFTER FACT" BUT WOULD BE "PARTICULARLY PLEASED HEAR ANY PROPOSALS WHICH WOULD IMPROVE SITUATION BEFORE FACT."

ONLY PROPOSAL THAT MIGHT IMPROVE SITUATION BEFORE FACT WOULD BE TO HAVE IT GENERALLY KNOWN THAT IF INCURSION TOOK PLACE US ARMED FORCE WOULD BE USED TO RESTORE SITUATION. ALSO WE MIGHT ASSERT OUR IMPLICIT RIGHT TO OVERLAND ACCESS TO EXCLAVE THOUGH THIS INVOLVES COMPLEX QUESTIONS WHICH NO DOUBT DEFENSE AND STATE WILL WISH TO EXPLORE.

FOR ALL PRACTICAL PURPOSES OUR POSITION BERLIN IS NOT REPEAT NOT SUCH WE CAN IMPROVE IT FUNDAMENTALLY FROM MILITARY STAND-POINT. SITUATION HARDLY CONDUCIVE TO THAT. HOWEVER, WE MUST DO EVERYTHING POSSIBLE PRESERVE OUR POSITION BY REACTING PROMPTLY AND EFFECTIVELY WHEN IT IS JEOPARDIZED. UNLESS WE ARE CLEARLY PREPARED TAKE PROMPT AND EFFECTIVE ACTIONS, SEEMS TO ME WE INVITING IF NOT REPEAT NOT ENCOURAGING FURTHER COMMUNIST ACTIONS OF INCREASING SERIOUS CHARACTER, ESPECIALLY SINCE I THINK WE MUST ASSUME THEY ARE CONSCIOUS OF WIDESPREAD DOUBTS AS TO WHETHER WE HAVE ANY SETTLED POLICY REGARDING EXERCISE OF JURISDICTION OVER EXCLAVES.

WITH THESE CONSIDERATIONS IN MIND I FULLY SUPPORTED GENERAL HODES' FIRST RECOMMENDATION (REFTEL). I THEREFORE HOPE STATE AND DEFENSE WILL EXAMINE PROBLEM IN THIS CONTEXT.

BRUCE

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